

## *St. Louis City Ordinance 62493*

FLOOR SUBSTITUTE

BOARD BILL NO. [91] 220

INTRODUCED BY ALDERMAN DANIEL MC GUIRE

An ordinance finding that a certain blighted area as defined in Section 99.320 of the Revised Statutes of Missouri, 1986, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), exists in the City of St. Louis ("City") and containing a description of the boundaries of said blighted area, attached hereto and incorporated herein as Exhibit "A", known as the Waterman/Lake Area ("Area"); finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan dated September 24, 1991 for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that certain properties in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain; finding that certain properties in the Area are occupied, and that the Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available a ten (10) year tax abatement; pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan; and containing an emergency clause.

WHEREAS, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, there exist conditions which endanger life or property by fire or other causes and constitute an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

WHEREAS, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with

effectively by ordinary private enterprise without the aids provided in the Statute; and

WHEREAS, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a land clearance project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

WHEREAS, the LCRA has recommended such a plan to the Community Development Agency ("CDA") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for Waterman/Lake Area", dated September 24, 1991, consisting of a Title Page, a Table of Contents Page, and fourteen (14) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

WHEREAS, under the provisions of the Statute it is required that this Board take such actions as may be required to approve the Plan; and

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Area; and

WHEREAS, the LCRA and CDA have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and PAGE: 2 of 8. this Board has been fully apprised by the LCRA and CDA of the facts and is fully aware of the conditions in the Area; and

WHEREAS, the Plan has been presented and recommended by LCRA and CDA to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and CDA has advised this Board that the Plan conforms to said general plan; and

WHEREAS, this Board has duly considered the reports, recommendations and certifications of the LCRA and CDA; and

WHEREAS, the Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way; and

WHEREAS, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those

relating to prohibitions against discrimination because of race, color, creed, national origin, sex, age, marital status or physical handicap; and

WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

WHEREAS, it is necessary that this Board take appropriate official action respecting the approval of the Plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, PAGE: 3 of 8. 1986, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive) described in Exhibit "A", attached hereto and incorporated herein, known as the Waterman/Lake Area ("Area").

SECTION TWO. The redevelopment of the above described Area, as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City of St. Louis.

SECTION THREE. The Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the Area is blighted as defined in Section 99.320.

SECTION FOUR. The Blighting Study and Plan for the Area, dated September 24, 1991, ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

SECTION FIVE. The Plan for the Area is feasible and conforms to the general plan for the City.

SECTION SIX. The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Plan for the Area, and the proposed financing plan for the Area is feasible.

SECTION SEVEN. The Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

SECTION EIGHT. The Plan for the Area provides that the Land PAGE: 4 of 8. Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may not acquire any properties in the Area by the exercise of eminent domain, except those located at 5220-22, 5233-35 and 5251-53 Waterman Blvd.

SECTION NINE. Certain properties in the Area are currently occupied. All eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Thirteen, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies. In addition, the Redeveloper shall provide timely notice of redevelopment activities to all occupants.

SECTION TEN. The Plan for the Area gives due consideration to the provision of adequate public facilities.

SECTION ELEVEN. In order to implement and facilitate the effectuation of the Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

SECTION TWELVE. All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, religion, national origin, sex, marital status, age or physical handicap in the sale, lease, or rental of any property PAGE: 5 of 8. or improvements erected or to be erected in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease,

or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

SECTION THIRTEEN. In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide minority and women subcontractors and material suppliers will be solicited and fairly considered for subcontractors and purchase orders by the general contractor and other subcontractors under the general construction contracts let directly by the Redeveloper;
- (c) To be bound by the conditions and procedures regarding the utilization of minority and women business enterprises established by the Community Development Agency of the City of St. Louis ("CDA");
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated December 6, 1984;
- (e) To comply with the requirements of Ordinance No. 60275 of the City;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and
- (g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The terms "minority contractor" or "minority material supplier" shall mean a business enterprise at least fifty-one percent (51%) of which is owned and controlled by members of minorities. The terms "members of a minority" or "minority" mean Black Americans, Native Americans, Hispanic Americans, Asians, Pacific Islanders and other protected classes.

The terms "woman contractor" and "woman material supplier" shall mean a business enterprise at least fifty one percent (51%) of which is owned and controlled by women.

The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

SECTION FOURTEEN. A Redeveloper shall hereby be entitled to ad valorem tax abatement benefits for a period not to exceed ten (10) years from the commencement of such tax abatement. A Redeveloper may seek such tax abatement only pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, upon application as provided therein.

SECTION FIFTEEN. Where a proposed modification will substantially change the Plan, the modification must be approved by this Board in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Plan.

The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such modification shall be effective only upon the consent of the CDC. Changes which are not substantial are those that do not go to the crux of the Plan.

SECTION SIXTEEN. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION SEVENTEEN. This Ordinance, being necessary for the immediate preservation of public health, safety and general welfare, shall be and is hereby declared to be an emergency measure within the meaning of Article IV, Section 20, of the Charter of The City of St. Louis, and as such shall take effect immediately upon its approval by the Mayor.

EXHIBIT "B"  
FORM: 10/30/91

COMMITTEE SUBSTITUTE  
BLIGHTING STUDY AND PLAN  
FOR  
WATERMAN/LAKE AREA  
PROJECT # 322  
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY  
OF THE CITY OF ST. LOUIS  
PLANNED INDUSTRIAL EXPANSION AUTHORITY  
OF THE CITY OF ST. LOUIS  
SEPTEMBER 24, 1991  
MAYOR  
VINCENT C. SCHOEMEHL, JR.  
BLIGHTING STUDY AND PLAN FOR  
WATERMAN/LAKE AREA

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## EXHIBITS

"A" LEGAL DESCRIPTION

"B" PROJECT AREA PLAN

"C" PROPOSED LAND USE

"D" ACQUISITION MAP



## "E" EQUAL OPPORTUNITY AND NON- DISCRIMINATION GUIDELINES

### A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

#### 1. DELINEATION OF BOUNDARIES

The Waterman/Lake Area (the "Area") is located in the 5200 block of Waterman Blvd. between Kingshighway Blvd. and Union Blvd. The Area consists of an educational institution (New City School), three occupied residential structures and eight vacant parcels in the Central West End neighborhood of the City.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" (Project Area Plan).

#### 2. GENERAL CONDITION OF THE AREA

The Area comprises parcels in City Blocks 4906A and 4906B. The following addresses are included: 5200-5222 and 5201-5269 Waterman Blvd. and 455 Lake Ave. The Area is in fair condition as shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that may be adequately maintained, but which is underutilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 8.1% unemployment rate for the City of St. Louis as of April, 1991. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

There are currently approximately 55 full or part time jobs within the Area.

#### 3. PRESENT LAND USE AND DENSITY OF THE AREA

Existing land uses within the Area include the following: (1) 5220-22, 5233-35 and 5251-53 Waterman Blvd. - occupied residential; (2) 455 Lake Ave., a/k/a 5201-31 Waterman Blvd. - occupied educational facility; (3) 5200-18, 5237-47 and 5257-69 Waterman Blvd. - vacant lots.

The land use, including the location of public and private uses, streets and other rights-of-way, is shown on Exhibit "B".

#### 4. PRESENT LAND USE OF SURROUNDING PROPERTIES

The properties surrounding the Area have residential uses.

Residential density for the surrounding neighborhoods is approximately 18.3 persons per acre.

#### 5. CURRENT ZONING

Most of the Area is zoned "D" Multiple-Family Dwelling District pursuant to the Zoning Code of the City of St. Louis which is incorporated in this Plan by reference. A small portion of the Area abutting Westminster Place is zoned "A" Single Family Dwelling District.

#### 6. FINDING OF BLIGHT

Much of the property within the Area is vacant and all of the property is in fair condition (as that term is defined in Section A(2) above). The existence of underutilized property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law) and of Section 100.310 et seq. of the Revised Statutes of Mo. (the Planned Industrial Expansion Law).

### B. PROPOSED DEVELOPMENT AND REGULATIONS

#### 1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the development of the Area into productive, expanded institutional uses and/or residential uses, which will complement the neighborhood and benefit the entire City of St. Louis.

The development activity proposed by this Plan contemplates rehabilitation or demolition of the residential structures at 5251-53, 5233-35 and 5220-22 Waterman Blvd. and development of expanded institutional uses and/or residential uses on all the property in the Area.

#### 2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are institutional and/or residential uses permitted as uses or conditional uses in Areas designated "A" Single Family and "D" Multi-Family Dwelling District by the City of St. Louis Zoning Code. Redevelopers contracting with either the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") or the Planned Industrial

Expansion Authority of the City of St. Louis ("PIEA") to develop property in the Area (hereinafter referred to as "Redeveloper") shall not be permitted to use said property for any use not permitted in the respective Dwelling Districts.

Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area.

### 3. PROPOSED ZONING

The zoning for the Area can remain "A" Single Family and "D" Multi-Family Dwelling District. All land coverage and building intensities shall be governed thereby; provided, however, that this shall not be construed to prohibit a Redeveloper from appealing zoning regulations to the St. Louis Board of Adjustment.

### 4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to the LCRA or the PIEA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

### 5. PROPOSED EMPLOYMENT FOR THIS AREA

No new jobs are expected to be created in this Area.

### 6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged; however, the 15 foot wide north-south alley in City Block 4906B may require vacation.

This would then require development of a "turnaround" at the east end of the east-west alley in the block.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

### 7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Heritage and Urban Design Commission ("HUDC") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

## 8. URBAN DESIGN

### a. Urban Design Objectives

The intent is to provide for an expanded educational facility and possibly additional or rehabilitated housing, all of which would distinctively and attractively complement the existing well-defined and cohesive neighborhood.

### b. Urban Design Regulations

Any proposed new structures and related parking or playground facilities shall be compatible with the existing multi-story, masonry and richly detailed school and surrounding residences in terms of general building massing, design expression and details, building materials and colors. Any rehabilitation of structures shall be done in a manner which respects the architectural expression and details.

All improvements within the Area shall comply with the applicable requirements of the West End Historic District.

### c. Landscaping

The property should be intensively and attractively landscaped. Perimeter street trees at least 2-1/2 inches in caliper shall be provided near curbs in the existing tree lawns. Those trees shall be generally spaced 25 feet on center, depending upon spaces, street furniture, driveways, architectural detailing of structures, etc. The tree type shall be approved by the City Forestry Division.

Existing trees and shrubs shall be retained except in instances where the LCRA specifically approves selected removal.

### d. Fencing

All fencing shall conform to the West End Historical District Standards. All permanent playground and/or playing field facilities shall be adequately fenced.

Each Redeveloper shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper in good and safe order both inside and outside, structurally and otherwise, including necessary and proper

painting. Failure to meet this requirement may result in suspension of tax abatement.

## 9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including HUDC standards. This will provide adequate vehicular parking for the Area.

Surface parking located along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity.

If parking lots exceed twenty-five (25) spaces, three percent (3%) of the interior of the parking lots shall be landscaped with trees, at least two and one-half (2-1/2) inch caliper in size on planting. These trees shall be planted on islands, the largest dimension of which shall be at least five (5) feet, planted with low-lying ground cover or other plant material.

## 10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, HUDC stipulations, this Plan and contracts between the LCRA or the PIEA and the Redeveloper. All new signs shall be restricted to standard sale/lease signs, and a sign for the institutional use as presented in the zoning district.

## 11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City of St. Louis without the prior written approval of the LCRA or the PIEA.

## 12. PUBLIC IMPROVEMENTS

Other than those contemplated by this Plan, no additional schools, parks, recreational and community facilities or other public facilities may be required. Further, no additional water, sewage or other public utilities are anticipated to be required.

If funds are available to the LCRA or the PIEA it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health,

safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

## C. PROPOSED SCHEDULE OF DEVELOPMENT

The implementation of this Plan shall take place in two phases. Phase one, consisting of development of the now-vacant lots in the Area, shall be initiated within approximately six (6) months of approval of this Plan by ordinance and completed within approximately three (3) years of approval of this Plan by ordinance. Phase two, consisting of development of 5220-22, 5233-35 and 5251-53 Waterman Blvd., (shown as Parcels 2, 4 and 8 on Exhibit "D") shall be initiated within six (6) months of approval of the Plan by ordinance and completed within seven (7) years of approval of this Plan by ordinance.

The LCRA or the PIEA may alter the above schedule as economic conditions warrant.

## D. EXECUTION OF PROJECT

### 1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri. The PIEA is empowered by Missouri Law to administer "industrial development" of the Area (as defined in Section 100.310(9) R.S. Mo. 1988) pursuant to this Plan and can do so to the extent and in the manner prescribed by the Planned Industrial Expansion Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

### 2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA or PIEA may not acquire, by exercise of eminent domain, any properties in the Area except 5220-22, 5233-35 and 5251-53 Waterman Blvd.

### 3. PROPERTY DISPOSITION

If the LCRA or the PIEA acquires property, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA or the PIEA. Any property acquired by the LCRA or the PIEA and sold to a Redeveloper will be sold at not less than its fair value, as determined by an appraiser, for uses in accordance with this Plan.

#### 4. RELOCATION ASSISTANCE

Certain property within the Area is currently occupied. All eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies. In addition, timely notice of development activities shall be provided to all occupants.

#### E. COOPERATION OF THE CITY

The City of St. Louis and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

#### F. TAX ABATEMENT

A Redeveloper shall hereby be entitled to ad valorem tax abatement benefits for a period not to exceed ten (10) years from commencement of such tax abatement. A Redeveloper may seek such tax abatement only pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, upon application as provided therein.

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan:

If property in the Area is sold by the LCRA or the PIEA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the

assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax exempt because it is owned by the LCRA or the PIEA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City of St. Louis, shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA or the PIEA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

## **G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS**

### **1. LAND USE**

The Redeveloper shall not discriminate on the basis of race, color, religion, national origin, marital status, sex, age, or physical handicap in the lease, sale or occupancy of the Area.

### **2. CONSTRUCTION AND OPERATIONS**

A Redeveloper shall not discriminate on the basis of race, color, religion, national origin, marital status, sex, age, or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

### **3. LAWS AND REGULATIONS**

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the Community Development Agency Guidelines for Maximum Utilization of Minority Enterprises dated January 1, 1981, as may be amended, and the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.



#### 4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA or the PIEA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the LCRA or the PIEA, the City of St. Louis, any state having jurisdiction or the United States of America.

#### H. MODIFICATIONS OF THIS PLAN

Where a proposed modification will substantially change this Plan, the modification must be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA or the PIEA, provided that such modification shall be effective only upon the consent of the St. Louis Community Development Commission. Changes which are not substantial are those that do not go to the crux of this Plan.

#### I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

#### J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

#### K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a

court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

## EXHIBIT "A"

### WATERMAN/LAKE AREA LEGAL DESCRIPTION

#### PARCEL 1-5

Beginning at the point of intersection of the west line of Lake Ave. (60 feet wide) and the south line of Westminster Place (70 feet wide); thence southwardly along said west line of Lake Ave. to its point of intersection with the north line of Waterman Blvd. (80 feet wide); thence westwardly along said north line of Waterman Blvd. to its point of intersection with the east line of property now, or formerly, owned by Chesterfield Partnership, L.P.; thence northwardly along said east property line to its point of intersection with the south line of a 15 foot wide east-west alley in City Block 4906B; thence eastwardly along said south alley line to its point of intersection with the southward prolongation of the eastern line of property now, or formerly, owned by Marian Peters and Eric Brown; thence northwardly along said prolongation and said eastern property line to its point of intersection with the south line of Westminster Place; thence eastwardly along said south line of Westminster Place to its point of intersection with the west line of Lake Ave., the point of beginning.

#### PARCELS 6-8

Beginning at the point of intersection of the west line of Lake Ave. (60 feet wide) and the south line of Waterman Blvd. (80 feet wide); thence southwardly along said west line of Lake Ave. to its intersection with the southern line of property in City Block 4906 now, or formerly, owned by Union Lake Assoc.; thence westwardly along said southern property line and its western prolongation to its point of intersection with the eastern line of property now, or formerly, owned by Michael C. Doss and Mary B. McCool; thence northwardly along said eastern property line to its point of intersection with the south line of Waterman Blvd.; thence eastwardly along said south line of Waterman Blvd. to its point of intersection with the west line of Lake Ave., the point of beginning.

### INSERT EXHIBITS "B" "C" "D"

--Not Available in Electronic Format--

## EXHIBIT "E"

FORM: 8/9/91

## EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, and any entity formed to implement the project of which the Redeveloper is a general partner), its contractors and subcontractors will include a clause requiring compliance with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination, the Executive Orders of the Mayor of the City dated December 6, 1984, and January 10, 1990, and all guidelines herein.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances or regulations of these guidelines.

In the redevelopment of this Area, there shall be maximum utilization of bona fide minority business enterprises ("MBE's") and women business enterprises ("WBE's") and, together with MBE's, "disadvantaged business enterprises, or "DBE's". The Redeveloper will set a minimum goal of twenty-five percent (25%) MBE participation and five percent (5%) WBE participation under these guidelines. In the event the Redeveloper fails to attain that goal, the Redeveloper may be required to show good cause therefor; however, this requirement will be deemed to have been met when documentation evidences that all available resources (i.e. DBE suppliers, contractors, and subcontractors) willing to perform the work or provide the supplies--at a price which (i) is within the range requested by non-DBE's; or (ii) if higher than that requested by non-DBE's, is attributable to the effects of past discrimination--have been exhausted.

For purposes of this section, the term "minority business enterprise" (or "MBE") means a business at least fifty-one (51%) of which is owned and controlled by minority group members. The term "women business enterprise" (or "WBE") means a business at least fifty-one percent (51%) of which is owned and controlled by females.

The Redeveloper will certify and agree in writing, that it is under no contractual or other disability, which would prevent it from complying with the requirements set forth herein.

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, religion, national

origin, sex, marital status, age or physical handicap in the sale, lease, rental, use or occupancy of any property, or any improvements erected or to be erected in the project or any part thereof, and those covenants shall run and shall be enforceable by the LCRA and/or PIEA, the City of St. Louis, and the United States of America, as their interests may appear in the project.

The Redeveloper agrees that if the redevelopment of the Area creates permanent jobs, it shall enter into an Employment Plan with the Saint Louis Agency on Training and Employment (SLATE) and the LCRA and/or PIEA for referral of Jobs Training Partnership Act JTPA eligible individuals. Said plan shall specify the number of jobs to be covered by the Employment Plan, the target date for referrals to begin, and the procedure for referral.

<b>Legislative History</b>				
<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>10/04/91</b>	<b>10/04/91</b>	<b>HUDZ</b>	<b>10/30/91</b>	
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>11/01/91</b>			<b>11/08/91</b>	<b>12/20/91</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>62493</b>				